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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 TIMOTHY H. JOHNSON,

10 Plaintiff,

11 vs.

12 ROBERT MILLER, et al.,

13 Defendants.
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03:94-CV-00229-LRH (VPC)

ORDER

15 Presently before the court is defendants' motion (#118)¹ for a continuance or, in the
16 alternative, to vacate the present trial date set for January 24, 2006. Having reviewed the matter
17 and finding good cause to vacate the trial date, the court orders the trial date of January 24, 2006
18 be vacated.

19 Upon review of the file, the court notes that the multiple appeals and motions filed in this
20 case have left the matter in an odd procedural position. While some claims have been resolved
21 definitively on motions to dismiss or motions for summary judgment, no answer has yet been
22 filed. In addition, discovery has not yet begun and several motions are either still pending or
23 have motions pending which would revive them if granted.

24 Considering the legal landscape of the case at this time, the court concludes that an
25 abbreviated discovery schedule is necessary to ensure all matters are properly disposed of prior to
26 trial. Thus, this matter will be referred to the magistrate judge for the purposes of defining a
27 proper discovery schedule. Such schedule should provide an opportunity for both parties to
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¹ References to (#XX) refer to the court's docket.

1 renew any undecided dispositive motions upon the conclusion of discovery and should be limited
2 to those issues that may be remaining for trial. Accordingly, all pending dispositive motions are
3 denied without prejudice. The parties are granted leave to renew such motions at the close of
4 discovery pursuant to the schedule to be defined by the magistrate judge.

5 IT IS HEREBY ORDERED.

6 DATED this 12th day of January, 2006.

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LARRY R. HICKS
United States District Judge
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